

The Honorable Barbara J. Rothstein

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

TEENA GARCIA-RIMESTAD,
Plaintiff,

No. 3:20-cv-6172-BJR

v.
SAFEWAY, INC. , an American
Corporation, and “DOES” I through X

**STIPULATED MOTION AND ORDER
FOR ADDITIONAL TIME FOR EXPERT
WITNESS REPORTS**

I. STIPULATED MOTION

The parties, through their undersigned attorneys, stipulate and agree to an extension of the discovery deadline for provision of expert witness reports from the present deadline of December 31, 2021, to a new deadline of January 30, 2022. Defendant does not oppose and stipulates to the proposed extension. Plaintiff retained an expert in mid-August, Dr. Vincent Santoro, M.D., of Physicians Direct Services, and provided his curriculum vitae to undersigned counsel for defendant on August 17, 2021. Subsequent to retaining Dr. Santoro, plaintiff’s counsel supplied him with what he believed were the complete medical records in this matter. In mid-November, 2021, Dr. Santoro advised plaintiff’s counsel by telephone that he could not complete his report until he had a copy of an MRI referenced in March, 2019 chart notes from an orthopedic surgeon treating plaintiff, and until he had a copy of an apparently missing chart note advising why the MRI was ordered at that time.

1 On November 22, 2021, plaintiff's counsel ordered the relevant medical records, and has yet
2 to obtain them.

3 Otherwise, the parties have been engaged actively in the discovery process, plaintiff having
4 been deposed by defense counsel in August, 2021, and plaintiff having undergone an
5 independent medical examination by a doctor engaged by defense counsel in mid-November,
6 2021. The parties accordingly anticipate that there will be no issue completing the remainder
7 of the case schedule, including discovery completion, pursuant to the ordered case schedule.

8 Plaintiff's counsel apologizes for the untimeliness of the presentation of this motion, and
9 notes he has been delayed on a variety of matters by the inclement weather this week, as he
10 works from his office and not from home. Nevertheless, he is solely responsible for the
11 delay.
12

13 Date: December 30, 2021.

14 LAW OFFICES OF GREENE & LLOYD, PLLC TURNER KUGLER LAW, PLLC

15 By: s/Timothy M. Greene
16 Timothy M. Greene, WSBA #17499
17 Of Attorneys for Plaintiff

By: s/John T. Kugler
John T. Kugler, WSBA #19960
Attorney for Defendant Safeway, Inc.

II. ORDER

This matter came before the Court on the foregoing stipulated motion of the parties for continuance, it is hereby ORDERED that the case schedule be modified only as follows:

The deadline for expert witness reports is now January 30, 2022.

Dated: January 3, 2022



Barbara Jacobs Rothstein
U.S. District Court Judge